

# EXHIBIT “5”

**Debbie Pirkey**

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**From:** Ben King [benking@nixlawfirm.com]  
**Sent:** Friday, August 25, 2006 2:08 PM  
**To:** dpirkey@nixlawfirm.com  
**Subject:** FW: DataTreasury v MagTek and CPS Subpoena

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R. Benjamin King  
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Texarkana, Texas 75503

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-----Original Message-----

From: Williams, Danielle [mailto:DTWILLIAMS@KilpatrickStockton.com]  
Sent: Friday, August 25, 2006 12:38 PM  
To: Ben King  
Cc: Dial, Audra; Nelson, Bruce; david.dillard@cph.com; brian.brookey@cph.com  
Subject: RE: DataTreasury v MagTek and CPS Subpoena

Ben-

We are not going to withdraw the motion while the motion for protective order is pending. As far as the document portion is concerned, I hope to be in a position next week to give you an estimate of when we can respond.

Please call me to discuss when you return to the office.

Thanks.

Danielle

E. Danielle Thompson Williams  
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-----Original Message-----

From: Ben King [mailto:benking@nixlawfirm.com]  
Sent: Friday, August 25, 2006 9:31 AM  
To: Williams, Danielle

Cc: Dial, Audra  
Subject: RE: DataTreasury v MagTek and CPS Subpoena

The motion has been fully briefed and there has been no ruling that I am aware of at the time of this email.

Ben

-----Original Message-----

From: "Williams, Danielle" <DTWILLIAMS@KilpatrickStockton.com>  
Subj: RE: DataTreasury v MagTek and CPS Subpoena  
Date: Fri Aug 25, 2006 8:16 am  
Size: 4K  
To: <benking@nixlawfirm.com>  
cc: "Dial, Audra" <ADial@KilpatrickStockton.com>, "Nelson, Bruce" <bnelson@kilpatrickstockton.com>, <brian.brookey@cph.com>, <david.dillard@cph.com>

Ben-

With regard to the deposition, what is the status of the pending motion for protective order?

From: Ben King [mailto:benking@nixlawfirm.com]  
Sent: Friday, August 25, 2006 8:49 AM  
To: Williams, Danielle; Dial, Audra  
Cc: datatreasury@cooperiplaw.com  
Subject: DataTreasury v MagTek and CPS Subpoena

Danielle,

I write to express my surprise regarding the Motion to Quash filed by CPS on Wednesday. In your Motion, the "short" time to respond and/or otherwise comply is repeatedly cited as creating an undue burden on CPS. However, as I have repeatedly informed Ms. Dial, DataTreasury is more than willing to attempt to resolve any potential issues CPS has regarding the noticed dates and times. To date, DataTreasury has certainly been cooperative in working with CPS, and Ms. Dial even noted this cooperation in one of her previous emails. In light of our offers to work with CPS regarding the noticed dates, I was particularly surprised that the time to respond was cited as the main basis for creating an undue burden, particularly because CPS made no attempt to take DataTreasury up on its offer to find mutually agreeable dates and in fact did not confer with DataTreasury before filing the Motion.

DataTreasury again extends its --- message truncated ---